

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

JOHN GREEN, JR.,

Plaintiff,

v.

CAPE HENLOPEN SCHOOL DISTRICT,
MORRIS, JAMES, HITCHENS &
WILLIAMS LLP, JENNIFER BRIERLEY,
ESQUIRE, GARY R. SPRITZ, ESQUIRE,
VICKI MCGINLEY,
NANCY HORTSMANN,
SECRETARY OF EDUCATION VALERIE:
S. WOODRUFF, KRIS BATTAGLINI,
SHANNON PALMER,

Defendants.

C.A. No. 04-920 KAJ

**DEFENDANTS' MOTION FOR EXTENSION OF TIME
TO FILE REPLY**

NOW COME, Defendants, the Cape Henlopen School District, Morris, James, Hitchens & Williams LLP, Jennifer L. Brierley, Esquire, Gary R. Spritz, Esquire, Dr. Vicki McGinley, Nancy Hortsmann, Secretary of Education Valerie S. Woodruff, Dr. Kris Battaglini, and Shannon Palmer, by and through their attorneys, and hereby move this Honorable Court for an order as follows:

1. On August 4, 2004, Plaintiff, John Green, Jr., filed a "Notice of Appeal and Complaint" naming nine Defendants and alleging the violation of various federal and state statutes. On October 15, 2004, the Defendants filed an Opening Brief

and a Motion to Dismiss the Complaint on all counts in accordance with Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6).

2. In accordance with D. Del. LR 7.1.2, Green's Answering Brief was due within 10 days after service, on or about October 28, 2004. Green failed to file an Answering Brief or pleading in response to Defendants' Motion to Dismiss.

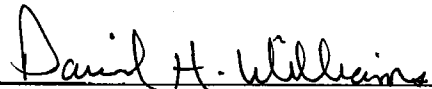
3. On April 28, 2005, the Court issued an order directing Green to file a response on or before May 13, 2005, otherwise the case would be dismissed for failure to prosecute.

4. On May 13, 2005, Green filed a 13-page document responding to Defendants' Motion to Dismiss, but also raising new allegations and asserting additional requests for relief. Under D. Del. LR 7.1.2, Defendants' Reply Brief would be due on or before May 20, 2005.

5. Given the detailed nature of the allegations contained in Green's response, Defendants are requesting an extension of time until May 31, 2005 to file the appropriate responsive pleading.

6. Counsel for the Department of Education contacted Green, and Green advised he does not object to the requested extension of time.

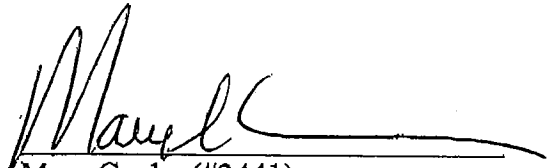
WHEREFORE, Defendants respectfully request an extension of time until May 31, 2005 to file a responsive pleading.



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Dated: May 18, 2005

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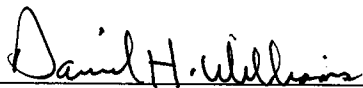
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STATEMENT PURSUANT TO LOCAL RULE 7.1.1

Pursuant to Local Rule 7.1.1., the undersigned counsel for Defendants have made a reasonable effort to reach agreement with Plaintiff on Defendants' request for an extension of time, and Plaintiff advised he does not object to the requested extension of time.

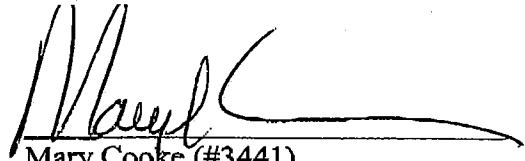


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A handwritten signature in black ink, appearing to read 'Mary Cooke', with a long horizontal flourish extending to the right.

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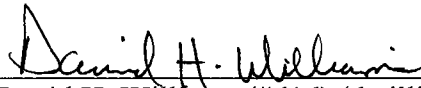
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CERTIFICATE OF SERVICE

I, David H. Williams, hereby certify that on May 19, 2005, I electronically filed the attached **DEFENDANTS' MOTION FOR EXTENSION OF TIME TO FILE REPLY** with the Clerk of Court using CM/ECF. I hereby certify that on May 19, 2005, I have mailed by United States Postal Service, the document to the following non-registered participants:

Mr. John Green
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